

IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF TENNESSEE  
WESTERN DIVISION

FILED BY *m* D.C.

05 JUN 15 PM 3:41

SCOTT R. DI TROLIO  
CLERK, U.S. DIST. CT.  
W.D. OF TN, MEMPHIS

UNITED STATES OF AMERICA

v.

JOHN SIMMONS

No. 05cr20211-D

ORDER CONTINUING ARRAIGNMENT AND  
SPECIFYING PERIOD OF EXCLUDABLE DELAY UNDER THE SPEEDY TRIAL ACT

The counsel for the defendant has this day notified the Court that the defendant, upon order of the court, had previously been transferred to a suitable hospital or facility selected by the Court of pretrial examination pursuant to 18 U.S.C. § 4241 to determine defendant's mental competency to stand trial. The court finds that the arraignment should be continued until a report on defendant's mental competency is received and that the ends of justice served by such a continuance outweigh the best interest of the public and the defendant in a speedy trial.

It is therefore ORDERED that pursuant to 18 U.S.C. §3161(h)(1)(A) the time period of 06/15/2005 through 09/14/2005 be excluded from the time its imposed by the Speedy Trial Act for trial of this case, while the defendant is under observation for mental competency.

**ARRAIGNMENT RESET TO WEDNESDAY, SEPTEMBER 14, 2005 AT 10:00  
A.M. BEFORE MAGISTRATE JUDGE DIANE K. VESCOVO.**

This 15 day of June, 2005.

This document entered on the docket sheet in compliance  
with Rule 55 and/or 32(b) FRCP on 6-17-05 *[Signature]*  
UNITED STATES MAGISTRATE JUDGE

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## Notice of Distribution

This notice confirms a copy of the document docketed as number 14 in case 2:05-CR-20211 was distributed by fax, mail, or direct printing on June 17, 2005 to the parties listed.

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Honorable Bernice Donald  
US DISTRICT COURT